

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD

C.P No.D-1274 of 2012

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For Katcha Peshi.
2. For hearing of MA 868/12

**18.10.2017.**

Mr. Ahsan Gul Dahri, Advocate for the petitioners.

Mr. Allah Bachayo Soomro, A.A.G.

Petitioners No.1 to 4 are brothers inter-se and Petitioner No.5 is son of petitioner No.2 and are residents of village Laiq Rahu, UC Saeed Kando, Taluka Kazi Ahmed, District Shaheed Benazirabad. They are seeking appointments on lower grade posts in the Education Department on the ground that they have donated a plot out of Survey No.85/2, Deh Bogri, Taluka Qazi Ahmed, District Shaheed Benazirabad for the construction of building of school in their village.

2. Learned Counsel for the petitioners has reiterated the said facts in his arguments and has stated that since the petitioners have donated the plot for building of the school, they are entitled to priority in the appointments on the lower grade posts in the said School.

3. On the other hand, learned A.A.G has opposed this petition and has relied upon the case of *Government of Sindh and others v. Loung Khan Rajper etc* (Civil Appeals Nos.19-K to 50-K of 2015).

4. We have considered the submissions of the parties and perused the material available on record.

5. The issue of appointments of the persons against donating the plot for schools has already been decided by the Honourable Supreme Court in Civil Appeals referred to above, and while discussing such appointments, the Honourable Supreme Court has referred to its earlier judgment in the case of *Hameedullah and 9 others vs. Headmistress, Government Girls*

*School, Chokara, District Karak and 5 others* (1997 SCMR 855), in which it has been held that the appointment is to be based on merits and if on merits the donor or his nominee is at par with other candidates only then preference can be given to him.

6. Although learned Counsel for the petitioners has urged before us that his case is distinguishable to the one already decided by the Honourable Supreme Court but he has not been able to specify the difference. He has not been able to show either that the petitioners have participated in the selection process for the posts they are seeking appointment on and were at par with the other candidates, but yet were refused appointments to appreciate his contention that the petitioners should have been given preference on the basis of their donating the plot for the school.

7. Therefore, we are of the view that this petition is devoid of merits and is dismissed accordingly alongwith listed application. However, the petitioners would still be at liberty to participate in the selection process for the appointment on the said posts and if they are found to be at par with the other candidates in all respects, they may be given preference.

JUDGE

JUDGE

